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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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TREVOR MILTON,

Plaintiff,

vs.

DAVID BATEMAN,

Defendant.

**DECLARATION OF BRANDON T.  
CHRISTENSEN**

Case No. 2:20-cv-00700-HCN-DBP

Judge Howard C. Neilson, Jr.  
Magistrate Judge Dustin B. Pead

I, Brandon T. Christensen, declare that the following is true and correct, and if called as a witness, I could competently testify to the matters hereinafter set forth which are within my personal knowledge.

1. I am an attorney at Holland & Hart LLP, counsel for Defendant David Bateman in the above-captioned action, and am an associate attorney at Holland & Hart LLP. I am admitted to practice law in Utah and before this Court.

2. On October 26, 2020, I accessed the Hindenburg Research Report, *Nikola: How to Parlay An Ocean of Lies Into a Partnership With the Largest Auto OEM in America*, at <https://hindenburgresearch.com/nikola/> (the “Hindenburg Report”).

3. On October 26, 2020, I accessed the Bloomberg article *SEC Examining Nikola Over Short Seller’s Fraud Allegations*, at <https://www.google.com/amp/s/www.bloomberg.com/amp/news/articles/2020-09-14/sec-said-to-examine-nikola-over-short-seller-s-fraud-allegations>.

4. On October 26, 2020, I accessed the Financial Times article *US justice department inquires into Nikola fraud claims* at <https://www.ft.com/content/a45a6638-167b-4e27-a9fd-576e7229f959>.

5. On October 26, 2020, I accessed the Wikipedia page *Trevor Milton* at [https://en.wikipedia.org/wiki/Trevor\\_Milton](https://en.wikipedia.org/wiki/Trevor_Milton).

6. On October 26, 2020, I accessed the TechCrunch article *Nikola disputes fraud claims in carefully worded rebuttal* at <https://techcrunch.com/2020/09/14/nikola-disputes-fraud-claims-in-carefully-worded-rebuttal/>.

7. Attached as Exhibit A are true and correct screenshots of Aubrey Ferris Smith’s Facebook post of September 14, 2020, which I captured from <https://www.facebook.com/552896000/posts/10158240123801001/?extid=0&d=n> on October 26, 2020.

8. On October 26, 2020, I accessed the CNBC article *Nikola founder Trevor Milton forfeits \$166 million in stock he would have lost anyway and gets to keep \$3.1 billion under*

*separation deal* at <https://www.cnbc.com/2020/09/21/nikola-founder-trevor-milton-forfeits-166-million-in-stock-and-gets-to-keep-3point1-billion-under-separation-deal.html>.

9. Attached as Exhibit B is a true and correct copy of the affidavit for probable cause related to the arrest of Jonathan Howard Robb (“Robb”).

10. Attached as Exhibit C are true and correct screenshots of tweets from @WholeMarsBlog on September 13, 2020, which I captured from <https://twitter.com/WholeMarsBlog/status/1305306973290684418> on October 26, 2020.

11. Attached as Exhibit D are true and correct screenshots of a series of tweets from @davidbateman on September 19, 2020, which I captured from [https://twitter.com/search?q=\(from%3Adavidbateman\)%20until%3A2020-09-21%20since%3A2020-09-19&src=typed\\_query&f=live](https://twitter.com/search?q=(from%3Adavidbateman)%20until%3A2020-09-21%20since%3A2020-09-19&src=typed_query&f=live) on October 26, 2020.

12. Attached as Exhibit E are true and correct screenshots of tweets from @davidbateman on September 20, 2020, which I captured from <https://twitter.com/davidbateman/status/1307893198472138753> on October 26, 2020.

13. Attached as Exhibit F are true and correct screenshots of tweets from @davidbateman on September 21, 2020, which I captured from [https://twitter.com/search?lang=en&q=\(from%3Adavidbateman\)%20until%3A2020-09-22%20since%3A2020-09-21&src=typed\\_query](https://twitter.com/search?lang=en&q=(from%3Adavidbateman)%20until%3A2020-09-22%20since%3A2020-09-21&src=typed_query) on October 26, 2020.

14. Attached as Exhibit G are true and correct screenshots of Aubrey Ferris Smith’s Facebook post of September 21, 2020, which I captured from <https://www.facebook.com/552896000/posts/10158257212101001/?extid=0&d=n> on October 26, 2020.

15. Attached as Exhibit H are true and correct screenshots of tweets from @davidbateman on September 28, 2020, which I captured from <https://twitter.com/davidbateman/status/1310769883270053889> on October 26, 2020.

16. Attached as Exhibit I are true and correct screenshots of Trevor Milton's Twitter profile, which I captured from the Internet Archive's Wayback Machine, <https://web.archive.org/web/20200921133424/https://twitter.com/nikolatrevor>, on October 26, 2020.

17. Attached as Exhibit J are true and correct screenshots of Josh James and Ryan Smith's Twitter profiles, which I captured from [https://twitter.com/joshjames?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauth](https://twitter.com/joshjames?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauth) or [https://twitter.com/RyanQualtrics?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/RyanQualtrics?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor) on October 26, 2020.

18. Attached as Exhibit K are true and correct screenshots of three tweets from @WholeMarsBlog, which I captured from <https://twitter.com/WholeMarsBlog/status/1304552969979875328>, <https://twitter.com/WholeMarsBlog/status/1307377541758423040>, and <https://twitter.com/WholeMarsBlog/status/1304477026372317185> on October 26, 2020.

19. Attached as Exhibit L are true and correct screenshots of KSL article *Man arrested, accused of trying to extort Utah billionaire*, which I captured from <https://www.ksl.com/article/46742440/man-arrested-accused-of-trying-to-extort-utah-billionaire> on October 26, 2020.

20. On October 26, 2020, I accessed the CNBC Squawkbox video at <https://www.youtube.com/watch?v=OPhN8saJkAI>; the Fox Business video at <https://www.youtube.com/watch?v=u0yMmPA7NjY>; the Cheddar TV video at <https://www.youtube.com/watch?v=4gK00jZl588>; the Fox Business Barron's Roundtable video at <https://www.youtube.com/watch?v=nbrgQj4xlbk>; and the CNN video [https://www.youtube.com/watch?v=d65pNzb\\_b2U](https://www.youtube.com/watch?v=d65pNzb_b2U).

I declare under penalty of perjury under the laws of the United States of America and the State of Utah that the foregoing is true and correct.

DATED this 26th day of October, 2020.

**HOLLAND & HART LLP**

/s/ Brandon T. Christensen  
Brandon T. Christensen  
*Attorneys for Defendant*

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